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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,684	04/13/2000	Kazuhiko Ueda	SONY-T0457	6995

7590

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EXAMINER

YODER III, CHRISS S

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,684

Applicant(s)

UEDA ET AL.

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 8-15, 17-19 and 23-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-7, 16, and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

The invention being claimed in the current application is a broader recitation of the same invention being claimed in US Patent # 6,768,514. Therefore, the application claims are encompassed by the patent. A terminal disclaimer is required so as to insure that, were the application to mature into a patent, both patents would be commonly owned in their lifetimes.

Claim Objections

Claims 7 and 22 are objected to because of the following informalities:

Claim 7 recites the limitation "the preset weighting coefficient" in lines 4-5 of claim 7, which the examiner believes should read "a preset weighting coefficient."

Claim 22 recites the limitation "the preset weighting coefficient" in lines 4-5 of claim 22, which the examiner believes should read "a preset weighting coefficient."

These claims will be examined as understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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1. Claims 1, 5, 7, 16, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US Patent # 6,285,798).
2. In regard to claim 1, note Lee discloses the use of domain judging means for judging a domain to which said image data belongs in order to output the result of judgment (column 10, lines 40-50; and figure 4: 60 is a bank of filters), a coefficient calculating means for outputting a compensation coefficient to compensate a pixel value of said image data based on said result of judgment (figure 4: 70 the coefficient is calculated based on the combined output from the filters), and compensating means for compensating a pixel value of said image data depending on said compensation coefficient (figure 4: the signals output from 70 and 80 are combined at the summing device and this is considered to be the compensating means).
3. In regard to claim 5, note Lee discloses that the domain judging means includes a plurality of low-pass filters respectively extracting low frequency elements of said image data (column 10, lines 40-50; and figure 4: 60a-60n) and signal combining means for generating a combined signal based on the low frequency element output from a plurality of said low-pass filters (figure 4: 70) and said coefficient calculating means generates said compensation coefficient based on said combining signal (figure 4: 70, the output of 70 is considered to be the compensation coefficient).
4. In regard to claim 7, note Lee discloses that the signal combining means generates said combining signal through weighted addition of the low frequency elements output from a plurality of said low-pass filters using the preset weighting coefficient (figure 4: 70, the low frequency elements are weighted by the contrast gain-

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controller; 90, and are added together in the summing device located at the output of 70, therefore, the weighted addition of the low frequency elements is performed).

5. In regard to claim 16, this is a method claim, corresponding to the apparatus in claim 1. Therefore, claim 16 has been analyzed and rejected as previously discussed with respect claim 1.

6. In regard to claim 20, this is a method claim, corresponding to the apparatus in claim 5. Therefore, claim 20 has been analyzed and rejected as previously discussed with respect claim 5.

7. In regard to claim 22, this is a method claim, corresponding to the apparatus in claim 7. Therefore, claim 22 has been analyzed and rejected as previously discussed with respect claim 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent # 6,285,798).

9. In regard to claim 6, note Lee discloses the use of an image processor as claimed in claim 5. Therefore, it can be seen that Lee fails to disclose that the signal combining means generates said combining signal using a weighted mean of low frequency elements output from a plurality of said low-pass filters. Official notice is

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taken that the use of a weighted average of values is notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lee device to include the use of a weighted average of low frequency elements in order to even out the compensation over the image.

10. In regard to claim 21, this is a method claim, corresponding to the apparatus in claim 6. Therefore, claim 21 has been analyzed and rejected as previously discussed with respect claim 6.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006768514B1: note the use of gradation correction using low pass filtering.

US006753910B1: note the use of gradation correction using low pass filtering.

US005517333A: note the use of gradation correction of image data.

US20020034336: note the use of low pass filtering image data.

US005796445A: note the use of low pass filtering image data.

US004229764: note the use of low pass filtering image data.

US006823086B1: note the use of low pass filtering to correct image defects.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
November 26, 2004



TUAN HO
PRIMARY EXAMINER